

# DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 173, 174, 178, 179]

[Docket No. HM-139 Notice No. 77-5]

## TRANSPORTATION OF HAZARDOUS MATERIALS

Individual Exemptions, Conversion to  
Regulation of General Applicability

AGENCY: Materials Transportation  
Bureau (MTB), DOT.

ACTION: Notice of proposed rulemak-  
ing.

SUMMARY: The Materials Transporta-  
tion Bureau is considering amending the  
regulations governing the transportation  
of hazardous materials to incorporate  
therein a number of changes based on  
existing exemptions which have been  
granted to individual applicants allow-  
ing them to perform particular functions  
in a manner that varies from that speci-  
fied by the regulations. Adoption of these  
exemptions as rules of general applica-  
bility would provide wider access to the  
benefits of transportation innovations  
recognized as effective and safe.

DATES: Comments by July 27, 1977.

ADDRESS COMMENTS TO: Section of  
Dockets, Office of Hazardous Materials  
Operations, Materials Transportation  
Bureau, Department of Transportation,  
Washington, D.C. 20590. It is requested  
that five copies be submitted.

### FOR FURTHER INFORMATION CON- TACT:

Dr. C. Hugh Thompson, Chief, Regula-  
tions Division, Office of Hazardous  
Materials Operations, 2100 Second  
Street SW., Washington, D.C. 20590  
(202-426-2075).

SUPPLEMENTARY INFORMATION:  
Each of the proposed amendments de-  
scribed in the table below is founded  
upon either: (1) Actual shipping experi-  
ence gained under an exemption, or (2)  
the data and analysis supplied in the  
application. In each case the resulting  
level of safety being afforded the public  
is considered at least equal to the level  
of safety provided by the current regu-  
lations. Primary drafters of this proposal  
are George W. Tenley, Jr., and Darrell L.  
Raines.

These proposals would not signifi-  
cantly affect the costs of regulatory en-  
forcement, nor would additional costs be  
imposed on the private sector, consum-  
ers, or Federal, State or local govern-  
ments, since these proposals would  
merely authorize the general use of ship-  
ping alternatives previously available to  
only a few users under exemptions. The  
safety record of shipments under the  
identified exemptions demonstrates that

significant environmental impacts would  
not result from the proposals.

Adoption of an amendment derived  
from an existing exemption would obvi-  
ate the need for that exemption and ef-  
fectively terminate it. Upon such termi-  
nation, the holder of the exemption and  
parties thereto would be individually  
notified. Adoption of an amendment de-  
rived from an application for exemption  
should provide the relief sought, in  
which event the exemption request  
would be denied and the applicant so  
notified. In the event the Bureau de-  
cides not to adopt any of these proposals,  
that application would be evaluated and  
acted upon in accordance with the ap-  
plicable provisions of the exemption pro-  
cedures in 49 CFR Part 107, Subpart B.  
Consequently, persons commenting on  
proposed amendments may wish to ad-  
dress both the proposed amendment and  
the exemption application. Considera-  
tion of comments of the merits of in-  
cluding within an amendment modes of

transportation other than those for  
which the exemption application re-  
quested is anticipated. Each mode of  
transportation for which a particular ex-  
emption is authorized or requested is in-  
dicated in the "Nature of Exemption or  
Application" portion of the table below  
as follows: (1) Motor vehicle, (2) Rail  
freight, (3) Cargo vessel, (4) Cargo-only  
aircraft, (5) Passenger-carrying air-  
craft. The status of the exemption ac-  
tion is indicated in the column titled  
Identification Number where prefix "E"  
means an exemption has been issued and  
prefix "SP" means a special permit ex-  
ists under previous authorities. The suf-  
fix "No" means no applications for ex-  
emptions are pending, but the Bureau is  
taking action by this proposal; the suffix  
"X" means a renewal application is  
pending; the suffix "P" means one or  
more party status applications are pend-  
ing; and the suffix "N" means a new ap-  
plication for exemption is pending.

### Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identifi- cation No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-2650-No...	FMC Corp.....	173.233(a)(5)...	Authorizes shipments of peracetic acid in DOT specification 6D or 37M cylindrical steel over- packs with inside speci- fication 2SL polyethylene container not over 55- gal capacity. (Modes 1 and 2.)	To revise paragraph (a)(5) to read: (5) Specification 6D or 37M (non- reusable container) (secs. 178.102, 178.134 of this subchapter). Cylind- rical steel overpacks with inside specification 2SL (sec. 178.35a of this subchapter) polyethylene con- tainer not over 55-gal capacity. Polyethylene container must have a vented closure capable of pre- venting leakage of liquid contents.
E-3439-No...	G. Frederick Smith Chemi- cal Co.	173.209(a).....	Authorizes shipments of perchloric acid in con- centrations less than 72 pot strength in DOT specification 6D cylind- rical steel overpack with inside specification 2S polyethylene con- tainer of not over 30-gal capacity. Maximum net weight 380 lb. (Modes 1 and 2.)	To add paragraph (a)(6) to read: (6) Specification 6D (sec. 178.102 of this subchapter). Cylindrical steel overpack with inside specification 2S (sec. 178.35 of this subchapter) polyethylene container not ex- ceeding 30 gal capacity. Maximum net weight 380 lb. Not authorized for transportation by air.
E-3907-No...	Dow Chemical Co., PFG Industries, Inc.	173.139(a)(6)...	Authorizes shipments of ethylene imine, inhib- ited, in DOT specifica- tion 4B240 and 4BW240 cylinders. Minimum outage 11.9 pct. (Modes 1 and 3.)	To revise paragraph (a)(6) to read: (6) Specification 4B240, 4BA240, or 4BW240 (secs. 178.50, 178.51, 178.61 of this subchapter). Cylinders of all welded construction. Not au- thorized for transportation by air.
E-5004-No...	FMC Corp.; Möbay Chemi- cal Corp.	173.377(g)(1)...	Authorizes shipments of dry organic phosphate compound mixtures containing not more than 16.5 pct by weight of organic phosphate compound in DOT spe- cification 44B multiwall paper bags having up to 5 DOT specification 2D inner bags, each fabri- cated with a foil liner and containing not over 10 lb net weight. Maxi- mum net weight 50 lb. (Modes 1, 2, and 3.)	To add paragraph (1) to read: (1) Dry mixtures containing more than 2 pct but not exceeding 16.5 pct by weight of hexaethyl tetraphos- phate, methyl parathion mixtures, organic phosphorus compound mixtures, organic phosphate com- pound mixtures, parathion, tetra- ethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to con- tainers prescribed in paragraphs (a) and (b) of this section, may be packed in specification containers as follows: (1) Specification 44B (sec. 178.236 of this subchapter) multiwall paper bags having not more than 5 specification 2D (sec. 178.23 of this subchapter) inner bags, each fabricated with a foil liner and containing not more than 10 lb net weight. Net weight of material in outside container not over 50 lb each. Not authorized for transportation by air.

# PROPOSED RULES

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Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-7240-No.	Hysol Division, Dexter Corp.; Thermoseal Plastics Co.; Applied Plastics Co.	173.249(a)	Authorizes shipments of alkaline corrosive liquids, n.o.s. in DOT specification 12B fiberboard box with 4 inside metal cans of 1-gal capacity or 8 inside metal cans of 1-qt capacity each. (Modes 1, 2, and 3.)	To add paragraph (a)(13) to read: (13) Specification 12B (sec. 173.236 of this subchapter) fiberboard box with inside metal containers. Not more than 4 1-gal containers or 8 1-qt containers may be packed in each box. The gross weight shall not exceed 65 lbs and the completed package must meet the test requirements of 173.210-10 of this subchapter.
E-7410-No.	Dow-Corning Corp.	173.135(a)	Authorizes shipments of certain chlorosilanes in DOT specification 51 portable tanks. (Modes 1 and 2.)	To add paragraph (9) to read: (9) Specification 51 (sec. 173.245 of this subchapter) portable tanks.
E-7420-No.	DuBois Chemicals.	173.256(a)	Authorizes shipments of liquid cleaning compounds, containing not more than 7 pct hydrofluoric acid, in DOT specification 37M/2U composite packaging up to 55-gal capacity. (Modes 1 and 2.)	To add paragraph (a)(6) to sec. 173.256 to read as follows: (6) Specification 37M (sec. 173.134 of this subchapter). Cylindrical steel overpack with inside specification 2U (sec. 173.24 of this subchapter) polyethylene container. The steel overpack must have minimum 22-gage body, head, and bottom with a 16-gage ring and bolt closure if full removable head. Authorized only for compounds containing not more than 7-pct hydrofluoric acid by weight.
E-7681-No.	Mobay Chemical Corp.	173.377(b)(5)	Authorizes shipments of a certain dry organic phosphate compound mixture not exceeding 55 pct active ingredient. (Modes 1, 2, and 3.)	To revise paragraph (b)(5) to read: (5) Specification 21C (sec. 173.224 of this subchapter). Fiber drums. Authorized only for mixtures in which the liquid is absorbed in concentration not greater than 65 pct. Authorized net weight not over 225 lbs.
E-7679-No.	PPG Industries, Inc.	173.375(a)	Authorizes shipments of dry sodium azide crystals in a DOT specification 21C-115 fiber drum having an inside polyethylene moisture barrier. (Mode 1.)	To add paragraph (a)(2) to read: (2) Specification 21C (sec. 173.224 of this subchapter). Fiber drums with inside polyethylene moisture barrier. Authorized net weight not over 115 lbs.

(49 U.S.C. 1803, 1804, 1805; 49 CFR 1.53(s) and paragraph (a)(4) of App. A to Part 102.)

**NOTE.**—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107. Issued in Washington, D.C. on June 16, 1977.

ALAN I. ROBERTS,  
Director, Office of  
Hazardous Materials Operations.

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